

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:	)	Docket No.:	014811-673.119 US
Applicant(s): Ekwuribe, et al.	)	Examiner:	Phyllis G. Spivack
Application No.: 10/594,046	)	Art Unit:	1614
Filing Date: September 25, 2006	)	Confirmation No:	8968
Title: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID COMPOUNDS	)	Customer No.	24239

RECONSIDERATION OF PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED  
CLAIM UNDER 35 U.S.C. §120 IN U.S. PATENT APPLICATION NO. 10/594,046

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Attention: Karen Creasy**

Request hereby is made under the provisions of 37 C.F.R. §1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120. The Commissioner is requested to accord the above-identified application the benefit of a prior-filed application. Specifically, applicants are requesting that the present application be granted the filing date of co-pending U.S. Application No. 11/144,093 filed on June 3, 2005 titled "IMMUNOREGULATORY COMPOUNDS AND DERIVATIVES AND METHODS OF TREATING DISEASES THEREWITH" issued on October 10, 2006 as US Patent No. 7,119,119 and having a priority date of August 29, 2001 which is the filing date of U.S. Patent No. 6,583,128.

Notably, co-pending U.S. Application No. 11/144,093 and the present application have a common inventor Nnochiri N. Ekwuribe. Applicants have included herewith a copy of U.S. Patent No. 7,119,119.

Applicants state that the entire delay between September 25, 2006, the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date of September 7, 2007 (37 CFR §1.78(a)(5)(ii)) the date this claim was filed was unintentional.

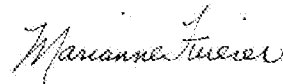
Applicants have amended the specification of the present application to recite the reference required by 35 U.S.C. 120 to the prior-filed and copending application U.S. Application No. 11/144,093. A copy of such Supplemental Amendment is attached herewith in Appendix A.

A copy of U.S. Patent No. 7,119,119 was previously submitted.

**Fee Payable for the Instant Petition**

Applicants previously submitted the fee of \$1370.00 specified in 37 CFR 1.17 (t) for this Petition on September 7, 2007. As such, no additional fee is due for entry of this petition. In the event a fee is found due, authorization hereby is given to charge any additional fee or amount properly payable in connection with the entry of this Petition, to Deposit Account No. 13-4365 of Moore & Van Allen, PLLC.

Respectfully submitted,



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Marianne Fuierer  
Reg. No. 39,983  
Attorney for Applicants

Moore & Van Allen PLLC  
P. O. Box 13706  
Research Triangle Park, NC 27709  
Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

## Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re United States Patent Application of:		)	Docket No.: 014811-673.119 US
Applicant(s):	Ekwuribe, et al.	)	Examiner: Phyllis G. Spivack
		)	
Application No.:	10/594,046	)	Art Unit: 1614
		)	
Filing Date:	September 25, 2006	)	Confirmation No: 8968
		)	
Title:	METHODS AND COMPOSITIONS	)	Customer No.
	EMPLOYING 4-	)	
	AMINOPHENYLACETIC ACID	)	
	COMPOUNDS	)	24239
<hr/>		)	

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SUPPLEMENTAL AMENDMENT TO CORRECT THE SPECIFICATION IN U.S.  
APPLICATION NO. 10/594,046

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Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants request the following amendment to the specification be entered.

## **In the Specification**

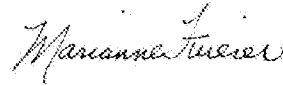
On page 1, please amend the previously submitted amendment as follows:

### **CROSS-REFERENCE TO RELATED APPLICATIONS**

This application is ~~filed~~ a National Stage Entry under the provisions of 35 U.S.C. §371 ~~and claims the priority~~ of International Patent Application No. PCT/US2005/009325 filed on March 22, 2005, which in turn claims priority of U.S. Provisional Application No. 60/555,551 filed on March 23, 2004; and is a Continuation-in-Part of co-pending U.S. Application No. 11/144,093 filed on June 3, 2005 titled “IMMUNOREGULATORY COMPOUNDS AND DERIVATIVES AND METHODS OF TREATING DISEASES THEREWITH” issued on October 10, 2006 as US Patent No. 7, 119,119, which is a continuation of Application No 10/444,668, filed on May 23, 2003, now U.S. Patent No. 6,903,082, which is a divisional of Application No 09/942,464, filed on August 29, 2001 now U.S. Patent No: 6,583,128.

In the event that any issues remain, Examiner Spivack is requested to contact the undersigned attorney at (919) 286-8089 to resolve same.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marianne Fuierer".

Marianne Fuierer  
Attorney for Applicant  
Registration No. 39,983

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